

STEPHEN R. HARRIS, ESQ.
Nevada Bar No. 001463
CHRIS D. NICHOLS, ESQ.
Nevada Bar No. 003123
BELDING, HARRIS & PETRONI, LTD.
417 West Plumb Lane
Reno, Nevada 89509
Telephone: (775) 786-7600
Facsimile: (775) 786-7764

Attorneys for Debtor and
Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

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IN RE: Case No. BK 09-54485 gwz
(Chapter 11)

SKYE INTERNATIONAL, INC.
a Nevada corporation,

**AMENDED
NOTICE TO CREDITORS**

Debtor.

Hrg. DATE: 2-19-10
Hrg. TIME: 10:00 a.m.
Est Time: 1 hour
Set by: Judge Zive

NOTICE IS HEREBY GIVEN that on December 16, 2009, the following Motions and Applications ("First Day Motions") were filed by SKYE INTERNATIONAL, INC., a Nevada corporation, and Debtor-in-Possession ("Debtor"), by and through its counsel, STEPHEN R. HARRIS, ESQ. and CHRIS D. NICHOLS, ESQ., of BELDING, HARRIS & PETRONI, LTD., as follows:

- (1) **MOTION FOR ORDER AUTHORIZING DEBTOR TO OBTAIN INTERIM POST-PETITION FINANCING, USE CASH COLLATERAL, GRANT SECURITY INTERESTS AND SUPERPRIORITY STATUS AND OTHER RELIEF,**

- (2) MOTION FOR ORDER AUTHORIZING DEBTOR TO PAY PREPETITION OBLIGATIONS TO CERTAIN CRITICAL VENDORS AND AMENDMENT THERETO,
- (3) APPLICATION FOR ORDER AUTHORIZING DEBTOR TO EMPLOY ATTORNEY UNDER A GENERAL RETAINER [BELDING, HARRIS & PETRONI, LTD.] AND TO ENTER INTO MONTHLY BILLING ARRANGEMENT UNDER 11 U.S.C. §§105(a) AND 331,
- (4) APPLICATION FOR ORDER AUTHORIZING DEBTOR TO EMPLOY ATTORNEY FOR SPECIAL PURPOSE (11 U.S.C. §327(e)) [DILL, DILL, CARR, STONBRAKER & HUTCHINGS,
- (5) APPLICATION FOR ORDER AUTHORIZING DEBTOR TO EMPLOY ATTORNEY FOR SPECIAL PURPOSE (11 U.S.C. §327(e)) [PARSONS & GOULTRY,
- (6) APPLICATION FOR ORDER AUTHORIZING DEBTOR TO EMPLOY ACCOUNTANT FOR SPECIAL PURPOSE (11 U.S.C. §327(b)) MANTYLA MCREYNOLDS, LLC], and
- (7) MOTION FOR ORDER MODIFYING SCOPE OF NOTICE TO BE GIVEN TO EQUITY SECURITY HOLDERS.

NOTICE IS FURTHER GIVEN that on December 21, 2009, the MOTION FOR ORDER AUTHORIZING DEBTOR TO OBTAIN INTERIM POST-PETITION FINANCING, USE CASH COLLATERAL, GRANT SECURITY INTERESTS AND SUPERPRIORITY STATUS AND OTHER RELIEF was heard before the Honorable Greg W. Zive, United States Bankruptcy Judge and granted on an interim basis pending a Final Hearing for a final order authorizing the Debtor to obtain Debtor-in-Possession Post-Petition Financing pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3) and Rule 4001(c) of the Federal Rules of Bankruptcy Procedure, in the maximum amount of \$2,000,000.00, with \$1,000,000.00 to be disbursed as interim Debtor-in-Possession financing and an additional \$1,000,000.00 to be disbursed after

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2 entry of a confirmation order confirming a Plan of Reorganization, under a Debtor in
3 Possession Interim Financing and Post-Confirmation Funding Agreement, between the
4 Debtor, as borrower, and Summit Growth Management, LLC, a Nevada limited liability
5 company, as lender ("DIP Lender"), and granting the DIP Lender a super-priority
6 administrative status and perfected first priority security interest in all the Debtor's
7 property that is not subject to other valid, perfected and non-avoidable liens and a junior
8 preferential security interest and lien upon all of Debtor's property that is otherwise
9 currently subject to valid, perfected, and non-avoidable liens, except that all of Debtor's
10 current secured creditors, excepting Toyota of America, have agreed to be subordinated
11 to the DIP Lender, as more fully set forth in the Motion and Exhibit "A" attached thereto.
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14 On December 23, 2009, the Court entered its Interim Order Authorizing the
15 Debtor-in-Possession Financing Under 11 U.S.C. §§105 and 364(c) and FRBP 4001(c),
16 setting a Final Hearing on the proposed Debtor-in-Possession Post-Petition Financing
17 for **February 19, 2010, at 10:00 a.m.**, with any oppositions to said Motion be filed and
18 served on undersigned counsel on or before February 11, 2010.

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20 NOTICE IS FURTHER GIVEN that any Opposition to the remaining First Day
21 Motions identified above must be filed with the United States Bankruptcy Court of the
22 District of Nevada, and served upon the undersigned counsel no later than February 11,
23 2010.

24 Any Opposition must be filed pursuant to Local Rule 9014(d)(1).

25 Local Rule 9014(d)(1): "Except as set out in subsection (3) below, any
26 opposition to a motion must be filed, and service of the opposition must be
27 completed on the movant, no later than fourteen (14) days preceding the
28 hearing date for the motion. The opposition must set forth all relevant

facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule."

If an objection or opposition is not timely filed and served, the relief requested may be granted without a hearing. LR 9014(b)(1) and (d)(3).

If you object to the relief requested, you *must* file a **WRITTEN** response, objection or opposition to this pleading with the court. You must also serve your written response, objection or opposition on the person who sent you this notice.

If you do not file a written response, objection or opposition with the court, or if you do not serve your written response, objection or opposition on the person who sent you this notice, then:

- The court may *refuse to allow* you to speak at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

Written requests for copies of the First Day Motions shall be mailed or faxed to the Debtor, in care of its attorney, CHRIS D. NICHOLS, ESQ., of BELDING, HARRIS & PETRONI, LTD., 417 West Plumb Lane, Reno, Nevada 89509, 775/786-1633 or email cnichols@renolaw.biz.

NOTICE IS FURTHER GIVEN that a hearing on said First Day Motions, including the Final Hearing on the Debtor-in-Possession Post-Petition Financing Motion will be held before a United States Bankruptcy Judge in the United States Bankruptcy Court located at 300 Booth Street, Reno, Nevada, 89509, on **February 19, 2010 at 10:00 a.m.**

DATED this 22nd day of January, 2010.

STEPHEN R. HARRIS, ESQ.
CHRIS D. NICHOLS, ESQ.
BELDING, HARRIS & PETRONI, LTD.

By 
Attorneys for Debtor